

Translation

PATENT COOPERATION TREATY

PCT/EP2003/007434



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 8438 I WO Z RSF-RU	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/007434	International filing date (day/month/year) 09 July 2003 (09.07.2003)	Priority date (day/month/year) 11 July 2002 (11.07.2002)
International Patent Classification (IPC) or national classification and IPC F16H 63/08		
Applicant ZF FRIEDRICHSHAFEN AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 20 December 2003 (20.12.2003)	Date of completion of this report 25 October 2004 (25.10.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

- ☐ the international application as originally filed.
- ☒ the description, pages 1-40, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.
- ☒ the claims, Nos. 1-42, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. _____, filed with the letter of _____,
 Nos. _____, filed with the letter of _____.
- ☒ the drawings, sheets/fig 1/17-17/17, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	12-22, 24, 25, 28, 30-33, 41	YES
	Claims	1-11, 23, 26, 27, 29, 34-40, 42	NO
Inventive step (IS)	Claims	12-22, 24, 25, 28, 30-33	YES
	Claims	41	NO
Industrial applicability (IA)	Claims	1-42	YES
	Claims		NO

2. Citations and explanations

Prior art cited in the search report:

D1: DE 101 33 695 A (LUK LAMELLEN & KUPPLUNGSBAU) 7 March 2002

D2: DE 101 19 748 A (LUK LAMELLEN & KUPPLUNGSBAU) 31 October 2001, mentioned in the application

D3: DE 22 62 892 A (KLOECKNER HUMBOLDT DEUTZ AG) 27 June 1974

D4: DE 35 27 390 A (KLAUE HERMANN) 5 February 1987

2.1 Independent claim 1

Claim 1 is so broadly worded that documents D1 and D2 cited in the search report can be deemed prejudicial to novelty - e.g. document D1 discloses, in accordance with the features of claim 1, a

- gear shift device for a multi-step gearbox, in particular for a motor vehicle, wherein two non-successive gear ratios (I, III, V, R, II, IV, VI) are associated with at least one gear shift pack (16, 17, 30, 31) in the gearbox, a gear shift lever (570) is provided for actuating the gear shift packs, the gear shift lever is associated with a gear shift pattern in which the gear

shift positions of each two successive gears are situated substantially opposite one another in gear shift gates (see figures 32a, 32b), and wherein the gears that can be selected within a gear shift gate are associated with different gear shift packs.

The features relating to the lubricant supply as per claim 1 are immediately apparent from the self-explanatory figures 1, 22, 24a, 32a, 32b and the corresponding description of D1.

The present application does not therefore satisfy the criterion of PCT Article 33(2) because the subject matter of the claim is not novel over the prior art as defined in the Regulations (PCT Rule 64.1 - 64.3).

2.2 Claims 2-42 which are dependent on claim 1

Dependent claims 2-42, whose subject matter is further embodiments of the invention according to claim 1, likewise do not meet the PCT requirements since they are not dependent on a claim which does satisfy these requirements. In addition, the features of the subsequently listed claims appear, at least *per se*, to be known from the documents indicated; they therefore do not comprise any essential features which might in any way substantiate novelty or inventive step:

- claims 2, 3, 4, 5: document D1: see figure 23, element 430
- claims 6, 7: document D1; see figure 32a
- claim 8: document D1; see figures 20, 32a
- claim 10: document D1; see figure 23, element 430
- claim 11: see document D1; see figure 23, element 462
- claim 23: document D1; see figure 33, column 59, line 52

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to column 60, line 31

- claim 26: document D1; see figure 32
- claims 29, 30: document D1; see figures 25, 33, 34
- claims 34-40, 42: document D1; see figures 25, 33, 34.

The features of dependent claim 41 have already been used for the same purpose in document D3 - cf. figure 1. The subject matter of claim 41 does not therefore involve an inventive step (PCT Article 33(3)).

Dependent claims 9 and 25 do not meet the requirements of EPC Article 6, since the feature of the gear shift means (9) is unclear because it is supported neither by the description nor the figures.

Further comments:

The description of document D1 does not indicate document D1 or briefly outline the relevant prior art contained therein; the requirements of PCT Rule 5.1(a)(ii) are therefore not met.